IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

CRL.A.No. 182 of 1999()

CC.73/1998 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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APPELLANT/COMPLAINANT:

ST.MARY'S FINANCE LTD., MULLASSERY CANAL ROAD,
ERNAKULAM, REP. BY ITS OFFICE MANAGER, M.P.SURENDRAN.

BY ADV. SRI.K.J.KURIACHAN

RESPONDENTS/ACCUSED AND STATE:

1.MR.P.LIAQUATH,LORDS TOUR CORPORATION,
HIBSON PLASA, MAVOOR RAOD, CALICUT – 4.

2.THE STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.C.SANTHOSH KUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Criminal Appeal.No.182 OF 1999 ()

Dated this the 6th day of December, 2006

JUDGMENT

This appeal is filed against the acquittal of the accused under Section 256 (1) of the Code of Criminal Procedure due to the absence of the complainant. Complainant is a company now under liquidation. Liquidator is not made a party. Even though appeal was filed in 1999 so far notice was not served on the respondents. Acquittal of the accused for the absence of the complainant under Section 256 (1) of the Cr.P.C. cannot be stated to be illegal. In any event, the Official Liquidator can realise the amount from the accused in liquidation proceedings. Without prejudice to the above right, this appeal is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.Appeal.182 OF 1999

JUDGMENT

6th December, 2006